

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed January 12, 2009. Claims 140-186 were pending in the present application. Claims 1-139 and 187-229 were previously withdrawn. This Amendment amends claims 140, 142-145, 150, 155-158, 162, 170, 172-174, and 182, cancels claims 1-139, 146-149, 152-154, 160, 161, 163-168, 175-181, and 184-229 without prejudice, and adds new claims 230-236. Accordingly, claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 230-236 remain pending in the present application after entry of this Amendment. Applicants submit that no new matter has been added. Reconsideration of the rejected claims is respectfully requested.

35 U.S.C. §101 Rejection of Claims 140-186

Claims 140-186 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action asserts:

Based on Supreme Court precedent and recent Federal Circuit decisions, for a method or process claim to be considered statutory, the claim must be tied to a particular machine or apparatus or transform an article. See *Benson*, 409 U.S. at 70. The use of the specific machine or apparatus or the transformation of the article most impose meaningful limits on the claim's scope to impart patent-eligibility. See *Benson*, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant post-solution activity. See *Flook*, 437 U.S. at 590.

With regards to claim 140, claim 140 recites "a method implemented on a computer system via a plurality of software modules" in the preamble. However, mere recitation in the preamble does not impose an actual, structural limitation in the body of the claim and thus does not sufficiently tie at least one of the steps in the body of the claim to a particular machine or apparatus. Examiner further notes that the system of the preamble is a computer system with a plurality of modules and thus may be software per se.

(Office Action, pgs. 2-3).

Solely in order to expedite prosecution, Applicants have amended independent claim 140 such that each method step is performed by a computer system. Applicants submit that amended claim 140 is clearly tied to a particular machine or apparatus, and thus recites

statutory subject matter. Accordingly, the Section 101 rejection of claim 140 (and the claims that depend therefrom) is believed to be overcome.

35 U.S.C. §112 Rejection of Claims 149, 154, 161, and 175-181

Claims 149, 154, 161, and 175-181 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 149, 154, 161, and 175-181 have been canceled without prejudice. Accordingly, the rejection of these claims is moot.

35 U.S.C. §103 Rejection of Claims 140-186

Claims 140-186 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fox et al (U.S. Patent No. 5,491,629, hereinafter “Fox”). Applicants respectfully traverse.

Applicants’ independent claim 140, as amended, recites:

A method comprising:

discovering, by a computer system, internal and external data related to a plurality of components to be procured by an enterprise, wherein the internal data originates from one or more data sources internal to the enterprise, and wherein the external data originates from one or more data sources external to the enterprise;

storing, by the computer system, the discovered internal and external data in a data mart;

analyzing, by the computer system, the internal and external data using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise, and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data;

analyzing, by the computer system, the internal and external data using a second analysis module to forecast prices for the plurality of components, wherein the analyzing performed using the second analysis module is based on a second set of user-defined parameters that qualify the internal or external data;

analyzing, by the computer system, the internal and external data using a third analysis module to determine optimal inventory levels for the plurality of components, wherein

the analyzing performed using the third analysis module is based on a third set of user-defined parameters that qualify the internal or external data;

recommending, by the computer system, one or more proposed actions to take with respect to procurement of the plurality of components based on the analyzing performed using the first, second, and third analysis modules; and

providing, by the computer system, one or more computer-initiated options for fully or partially executing an action in the one or more proposed actions.

(Applicants; independent claim 140, as amended).

Support for the amendments to independent claim 140 may be found in the Specification at, for example, page 26, line 25 to page 30, line 23. No new matter is added.

Applicants respectfully submit that the features of independent claim 140 are not taught or suggested by Fox.

Fox is directed to a system (referred to as “LEWIS”) for determining the impact of weather and other external factors on a managerial plan for a retail business. (Fox: Abstract). As described in Fox, the LEWIS system processes internal retail data and historical weather data to generate “deweatherized data.” This deweatherized data, which corresponds to a normalization of the retail data based on average weather conditions, is used as a baseline for developing or revising a managerial plan. (Fox: col. 2, lines 14-20).

Applicants submit that the invention of Fox is substantially different from Applicants’ independent claim 140. For example, Fox fails to teach or suggest “analyzing... the internal and external data using a first analysis module to determine criticality ratings for the plurality of components...,” “analyzing... the internal and external data using a second analysis module to forecast prices for the plurality of components...,” and “analyzing... the internal and external data using a third analysis module to determine optimal inventory levels for the plurality of components...” as recited in claim 140.

As noted above, Fox merely describes the concept of processing internal retail data and historical weather data to produce “deweatherized data.” Fox is completely silent on the specific concept of analyzing discovered internal and external data using three distinct analysis modules as recited in claim 140. For example, Fox fails to teach anything about analyzing internal and external data using (1) a first analysis module to determine criticality

ratings for a plurality of components, (2) a second analysis module to forecast prices for the plurality of components, and (3) a third analysis module to determine optimal inventory levels for the plurality of components. In addition, Fox does not teach anything about performing these three analyses based on first, second, and third sets of user-defined parameters respectively. Accordingly, Fox fails to teach or suggest the “analyzing...” steps recited in claim 140.

Further, since Fox does not teach anything about the “analyzing...” steps of claim 140, Fox necessarily fails to teach or suggest “recommending... one or more proposed actions to take with respect to procurement of the plurality of components based on the analyzing performed using the first, second, and third analysis modules” as recited in claim 140. (Emphasis added).

Yet further, Fox fails to teach or suggest “providing, by the computer system, one or more computer-initiated options for fully or partially executing an action in the one or more proposed actions” as recited in claim 140. In the “Response to Arguments” section, the Office Action asserts that this feature is shown in Fox because:

Fox et al. in col. 10, line 56 – col. 11, line 4; Figure 6, teaches executing different portions of the managerial plan such as the buying, distributing or advertising. Thus, as the computer provides the user with the information and allows the user to execute portions of a plan, Fox et al. teaches providing the user with options which may be fully or partially executed.

(Office Action: pg. 15).

Applicants respectfully disagree.

As best understood, the cited section of Fox merely indicates that one or more computers (e.g., the workstations in Fig. 6 of Fox) can be used to perform various portions of a managerial plan. However, the cited section does not provide any details about the information that is provided by these computers to an end-user, or how execution of a particular plan portion is initiated. In contrast, claim 140 specifically recites that a computer system provides to a user computer-initiated options for fully or partially executing the one or more proposed actions. For example, the user may be provided with a user interface to automatically purchase an item from a specific vendor. (Specification: pg. 16, line 20 – pg. 17, line 10). This feature is completely absent from the cited section of Fox. Accordingly, Fox fails to teach or suggest “providing, by

the computer system, one or more computer-initiated options for fully or partially executing an action in the one or more proposed actions” as recited in claim 140.

For at least the foregoing reasons, Applicants submit that Fox does not render obvious Applicants’ claim 140. Applicants therefore respectfully request that the rejection of claim 140 (and the claims that depend therefrom) be withdrawn.

New Claims 230-236

New claims 230-236 have been added to cover various embodiments of the present invention. Support for these claims may be found in the Specification at, for example, page 10, line 21 to page 12, line 27, and page 26, line 25 to page 30, line 23. No new matter is added.

Claims 230-236 depend (either directly or indirectly) from independent claim 140, which is not rendered obvious by Fox as discussed above. Accordingly, claims 230-236 are allowable for at least a similar rationale as discussed for claim 140. In addition, claims 230-236 recite numerous additional features that distinguish over Fox.

Amendments to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification as filed and do not add new matter.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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